

University of California, Hastings College of the Law UC Hastings Scholarship Repository

Propositions

California Ballot Propositions and Initiatives

2008

STANDARDS FOR CONFINING FARM ANIMALS.

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

STANDARDS FOR CONFINING FARM ANIMALS. California Proposition 2 (2008).
http://repository.uchastings.edu/ca_ballot_props/1282

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

STANDARDS FOR CONFINING FARM ANIMALS. INITIATIVE STATUTE.

- Requires that calves raised for veal, egg-laying hens and pregnant pigs be confined only in ways that allow these animals to lie down, stand up, fully extend their limbs and turn around freely.
- Exceptions made for transportation, rodeos, fairs, 4-H programs, lawful slaughter, research and veterinary purposes.
- Provides misdemeanor penalties, including a fine not to exceed \$1,000 and/or imprisonment in jail for up to 180 days.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Potential unknown decrease in state and local tax revenues from farm businesses, possibly in the range of several million dollars annually.
 - Potential minor local and state enforcement and prosecution costs, partly offset by increased fine revenue.
-

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Animal agriculture is a major industry in California. Over 40 million animals are raised for commercial purposes on California farms and ranches. California's leading livestock commodities are milk and other dairy products, cattle, and chickens.

In recent years, there has been a growing public awareness about farm animal production methods, and how these practices affect the treatment of the animals. In particular, concerns have been expressed about some animal farming practices, including the housing of certain animals in confined spaces, such as cages or other restrictive enclosures.

Partly in response to these concerns, various animal farming industries have made changes in their production practices. For example, certain industries have developed guidelines and best practices aimed, in part, at improving the care and handling of farm animals.

State law prohibits cruelty to animals. Under state law, for example, any person who keeps an animal confined in an enclosed area is required to provide it with an adequate exercise area, and permit access to adequate shelter, food, and water. Other laws specifically related to farm animals generally focus on the humane transportation and slaughter of these animals. Depending upon the specific violation, an individual could be found guilty of a misdemeanor or felony punishable by a fine, imprisonment, or both.

PROPOSAL

Beginning January 1, 2015, this measure prohibits with certain exceptions the confinement on a farm of pregnant pigs, calves raised for veal, and egg-laying hens in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs. Under the measure, any person who violates this law would be guilty of a misdemeanor, punishable by a fine of up to \$1,000 and/or imprisonment in county jail for up to six months.

FISCAL EFFECTS

Compared to current practice most commonly used by California farmers in the affected industries, this measure would require more space and/or alternate methods for housing pregnant pigs, calves raised for veal, and egg-laying hens. As a result, this measure would increase production costs for some of these farmers. To the extent that these higher production costs cause some farmers to exit the business, or otherwise reduce overall production and profitability, there could be reduced state and local tax revenues. The magnitude of this fiscal effect is unknown, but potentially in the range of several million dollars annually.

Additionally, this measure could result in unknown, but probably minor, local and state costs for enforcement and prosecution of individuals charged with the new animal confinement offense. These costs would be partially offset by revenue from the collection of misdemeanor fines.

★ ARGUMENT IN FAVOR OF PROPOSITION 2 ★

YES on Proposition 2—Stop Animal Cruelty

Proposition 2 is a moderate measure that stops cruel and inhumane treatment of animals—ending the practice of cramming farm animals into cages so small the animals can't even turn around or stretch their limbs.

Voting YES on Proposition 2 prevents animal cruelty, promotes food safety, supports family farmers, and protects the environment. The agribusiness interests opposing Proposition 2—masquerading as the deceptively named Californians for Safe Food—have a record of duping the public, harming animals, and polluting the environment.

Voting YES on Proposition 2 means:

. . . *Preventing cruelty to animals.* It's simply wrong to confine veal calves, breeding pigs, and egg-laying hens in tiny cages barely larger than their bodies. Calves are tethered by the neck and can barely move, pigs in severe confinement bite the metal bars of their crates, and hens get trapped and even impaled in their wire cages. We wouldn't force our pets to live in filthy, cramped cages for their whole lives, and we shouldn't force farm animals to endure such misery. All animals, including those raised for food, deserve humane treatment.

. . . *Improving our health and food safety.* We all witnessed the cruel treatment of sick and crippled cows exposed by a Chino slaughter plant investigation this year, prompting authorities to pull meat off school menus and initiate a nationwide recall. Factory farmers have put our health at risk by allowing these terrible abuses, and now are recklessly telling us it's okay to keep animals in overcrowded, inhumane conditions. Cramming tens of thousands of animals into tiny cages fosters the spread of animal diseases that may affect people. Proposition 2 is better for animals—and for us.

. . . *Supporting family farmers.* California family farmers support Proposition 2 because they believe food quality and safety are enhanced by better farming practices. Increasingly,

they're supplying mainstream retailers like Safeway and Burger King. Factory farms cut corners and drive family farmers out of business when they put profits ahead of animal welfare and our health.

. . . *Protecting air and water and safeguarding the environment.* The American Public Health Association has called for a moratorium on new factory farms because of the devastating effects these operations can have on surrounding communities. Factory farms often spread waste on the ground untreated—contaminating our waterways, lakes, groundwater, soil, and air. By phasing out the worst animal confinement practices, Proposition 2 helps protect our precious natural resources. That's why California Clean Water Action and Sierra Club California support Proposition 2.

. . . *A reasonable and common-sense reform.* Proposition 2 provides ample time—until 2015—for factory farmers using these severe confinement methods to shift to more humane practices. Arizona, Colorado, Florida, and Oregon have passed similar laws. California veterinarians; family farmers; the Center for Science in the Public Interest and the prestigious Pew Commission on animal agriculture; Republican and Democratic elected officials; Episcopal and Methodist church leaders; National Catholic Rural Life Conference; the Consumer Federation of America; and others recommend voting YES on Proposition 2.

Visit www.YesOnProp2.org.

WAYNE PACELLE, President

The Humane Society of the United States

DR. KATE HURLEY, D.V.M., M.P.V.M., Clinical Professor

School of Veterinary Medicine, University of California, Davis

ANDREW KIMBRELL, Executive Director

Center for Food Safety

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 2 ★

VOTE NO on Proposition 2 because it HURTS California families.

Thousands of jobs will be lost and egg prices could skyrocket for California consumers.

A UC Davis study says Proposition 2 will eliminate California-produced safe, fresh, affordable eggs. We'll end up buying eggs trucked in from thousands of miles away, including Mexico.

VOTE NO on Proposition 2 because it ENDANGERS both food safety and animal welfare.

Leading food safety, veterinary, and public health experts oppose Proposition 2. They know modern housing systems for egg-laying hens are safe, sound, and humane for the hens, and they protect human health.

These modern systems are designed for proper care and treatment, providing ample space, food, water, light, and sanitation, allowing hens to stand, stretch, turn around, and lie down. Hens are protected from migratory birds and wild animals (which can carry BIRD FLU), and from living in—and laying eggs in—their own waste, which can contain *Salmonella* bacteria.

By effectively banning modern housing, Prop. 2 actually harms egg-laying hens, undermines animal welfare, endangers food safety, and risks public health.

VOTE NO on Proposition 2 because it's RISKY.

Proponents say this measure is “moderate,” but it's really EXTREME, ignoring science-based food safety and animal welfare guidelines while endangering the health of California families.

Proponents say the measure deals with animal treatment, but they don't tell you California law has long required humane treatment of animals, and still does.

PLEASE VOTE NO ON PROPOSITION 2. Keep California food SAFE.

DEAN CLIVER, Professor Emeritus of Food Safety

University of California at Davis, School of Veterinary Medicine

MIKE KARLE, DVM, President

Association of California Veterinarians

HECTOR CERVANTES, DVM, President

American College of Poultry Veterinarians

★ ARGUMENT AGAINST PROPOSITION 2 ★

Proposition 2 is UNNECESSARY, RISKY, and EXTREME. It is sponsored by a well-funded Washington, D.C.-based special interest group and will have dangerous, expensive consequences for California.

Proposition 2 puts Californians AT RISK for AVIAN INFLUENZA, *Salmonella* contamination, and other diseases. California farmers help protect Californians against Avian Influenza, or BIRD FLU, and other diseases by using modern housing systems to raise egg-laying hens—housing systems effectively banned by Proposition 2. It is so EXTREME that it also effectively bans “cage-free” eggs, forcing hens outdoors for most of the day.

“This outdoor access enhances the likelihood that such poultry will have direct contact with migratory and wild birds as well as other animals, substantially increasing the risk of Avian Influenza, Exotic Newcastle Disease, and other diseases.” — UNITED STATES ANIMAL HEALTH ASSOCIATION

According to the WORLD HEALTH ORGANIZATION, transmission of bird flu from poultry to humans results in “very severe disease” and “could mark the start of a global outbreak (pandemic).”

Nearly all California farmers follow the California Department of Food and Agriculture’s California Egg Quality Assurance Program, assuring the highest standards for FOOD SAFETY and PUBLIC HEALTH. This program has resulted in the virtual elimination of food-borne illness, like *Salmonella*, in California eggs. In fact, according to the California Department of Food and Agriculture, no case of *Salmonella* has been traced to California egg production in nearly a decade. Eggs produced and trucked in from out-of-state and Mexico are not required to meet the same high food safety standards as California eggs.

Proposition 2 HARMS California CONSUMERS who rely on safe, fresh, affordable California-raised eggs for their families. Consumers will be forced to buy eggs trucked in thousands of miles away from out-of-state and MEXICO. California family farmers will be driven out of business. It will COST thousands of JOBS, and more than \$600 MILLION in ECONOMIC ACTIVITY will be LOST, hurting the state and local economies.

California eggs will be MORE EXPENSIVE. With gasoline, housing, and basic grocery costs at an all-time high, Californians can’t afford to pay higher prices for food.

Proposition 2 is misleading because it refers to *treatment* of several farm animals, but it actually addresses *housing methods*. The measure primarily affects egg-laying hens. Most food safety officials, public health experts, veterinarians, and animal welfare advocates support modern housing systems, which provide the best possible care for hens while also protecting them, and humans alike, from injury, illness, and disease.

Proposition 2 is UNNECESSARY because California law ALREADY PROTECTS animal welfare and safety.

Proposition 2:

- INCREASES THE RISK OF BIRD FLU
- INCREASES THE RISK OF FOOD-BORNE ILLNESS, LIKE *SALMONELLA*
- INCREASES GROCERY PRICES OF CALIFORNIA EGGS
- COSTS THOUSANDS OF CALIFORNIA JOBS AND PUTS FARMERS OUT OF BUSINESS
- COSTS CALIFORNIA \$615 MILLION IN ECONOMIC ACTIVITY
- HARMS THE ENVIRONMENT BY CONTRIBUTING TO GLOBAL WARMING

Family farmers, veterinarians, public health and food safety experts, and consumers urge a “NO” vote on Proposition 2. Visit www.safecaliforniafood.org.

VOTE NO ON PROP. 2.

KEEP CALIFORNIA EGGS SAFE. AFFORDABLE. FRESH. LOCAL.

DR. CRAIG REED, DVM, Former Deputy Administrator
Food Safety and Inspection Service, United States Department of Agriculture (USDA)

DR. TIM E. CARPENTER, Ph.D., Professor of Epidemiology
Department of Medicine and Epidemiology, School of Veterinary Medicine, UC Davis

DR. PATRICIA BLANCHARD, DVM, Ph.D., Branch Chief
University of California Animal Health and Food Safety Laboratory System

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 2 ★

YES on Proposition 2 Protects Animals, Food Safety, and the Environment.

Factory farming corporations trot out “experts” aligned with industry to scare voters with false claims and junk science. It’s just common sense to allow animals to lie down, turn around, and stretch their limbs. Suggesting it’s dangerous *is ridiculous*.

Science-based, mainstream organizations *supporting Prop. 2* include:

- Consumer Federation of America
- Humane Society of the United States
- Union of Concerned Scientists
- Pew Commission on Industrial Farm Animal Production
- Sierra Club California
- California Clean Water Action

Proposition 2’s opponents are bankrolled by companies that put profits ahead of people and animals.

One major funder, Moark LLC, paid to settle criminal cruelty charges for throwing live birds into trash bins. Another, United Egg Producers, paid to settle false advertising allegations brought by 17 attorneys general related to misleading claims about animal welfare.

The fact is, animals crowded in cages are MORE likely to be infected with *Salmonella* and other diseases than those in cage-free facilities.

And scare tactics about costs? The industry’s own economist admitted it costs less than one additional penny per egg to stop cramming hens in cages.

The opponents have it all wrong. They fail to mention that the vast majority of chickens in food production already are not confined in small cages. They also omit mention of Prop. 2’s protection of calves and pigs, and the misery these animals endure in tiny crates.

Vote YES on Prop. 2.

www.YesOnProp2.org

DR. IXCHEL MOSLEY, DVM, President
San Diego County Veterinary Medical Association

NIGEL WALKER, California Egg Farmer

MICHAEL JACOBSON, Ph.D., Executive Director
Center for Science in the Public Interest

QUICK-REFERENCE GUIDE

PROP 1 HIGH SPEED RAIL BONDS. LEGISLATIVE INITIATIVE AMENDMENT.

SUMMARY

Put on the Ballot by the Legislature

This act provides for the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century. For the purpose of reducing traffic on the state's highways and roadways, upgrading commuter transportation, improving people's ability to get safely from city to city, alleviating congestion at airports, reducing air pollution, and providing for California's growing population, shall the state build a high-speed train system and improve existing passenger rail lines serving the state's major population centers by creating a rail trust fund that will issue bonds totaling \$9.95 billion, paid from existing state funds at an average cost of six hundred and forty-seven million dollars (\$647 million) per year over the 30-year life of the bonds, with all expenditures subject to an independent audit? Fiscal Impact: State cost of \$19.4 billion over 30 years to pay both principal and interest costs of the bonds. Payments would average about \$647 million per year. Unknown operation and maintenance costs, probably over \$1 billion annually; at least partially offset by passenger fares.

WHAT YOUR VOTE MEANS

YES A YES vote on this measure means: The state could sell \$9.95 billion in general obligation bonds, to plan and to partially fund the construction of a high-speed rail system in California, and to make capital improvements to state and local rail services.

NO A NO vote on this measure means: The state could not sell \$9.95 billion in general obligation bonds for these purposes.

ARGUMENTS

PRO California's transportation system is broken: skyrocketing gasoline prices, gridlocked freeways, and airports. High-speed trains are the new transportation option that reduces greenhouse gases that cause global warming and dependence on foreign oil. High-speed trains are cheaper than building new highways, airports, and runways to meet population growth without NEW TAXES.

CON This political boondoggle will cost taxpayers \$19,200,000,000 in principal and interest. We need that money for schools, healthcare, and public safety. The bureaucrats could waste billions of taxpayer dollars before we see one inch of track. During California's biggest budget crisis we can't afford to spend billions on a pipedream.

FOR ADDITIONAL INFORMATION

FOR
Robert Pence
Californians For High Speed Trains
– Yes on Proposition 1
455 Capitol Mall, Suite 801
Sacramento, CA 95814
(916) 551-2513
www.californiahighspeedtrains.com

AGAINST
Jon Coupal
Howard Jarvis Taxpayers Association
921 11th Street, Suite 1201
Sacramento, CA 95814
(916) 444-9950
info@hjta.org
www.hjta.org

PROP 2 STANDARDS FOR CONFINING FARM ANIMALS. INITIATIVE STATUTE.

SUMMARY

Put on the Ballot by Petition Signatures

Requires that certain farm animals be allowed, for the majority of every day, to fully extend their limbs or wings, lie down, stand up and turn around. Limited exceptions apply. Fiscal Impact: Potential unknown decrease in state and local tax revenues from farm businesses, possibly in the range of several million dollars annually. Potential minor local and state enforcement and prosecution costs, partly offset by increased fine revenue.

WHAT YOUR VOTE MEANS

YES A YES vote on this measure means: Beginning in 2015, state law would prohibit, with certain exceptions, the confinement on a farm of pregnant pigs, calves raised for veal, and egg-laying hens in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs.

NO A NO vote on this measure means: State law would not contain prohibitions specifically concerning the confinement of pregnant pigs, calves raised for veal, and egg-laying hens.

ARGUMENTS

PRO YES on Prop. 2 protects animals, consumers, family farmers, and our environment. Animals deserve humane treatment. Denying them space to turn around or stretch their limbs is cruel and wrong. Supporters: Humane Society of the United States, California Veterinary Medical Association, Consumer Federation of America, Center for Food Safety.
www.YesOnProp2.org.

CON Proposition 2 is too RISKY. Californians enjoy safe, local, affordable eggs. A UC Davis study says Proposition 2 eliminates California egg production. Instead, our eggs will come from out-of-state and Mexico. Public health experts oppose Proposition 2 because it THREATENS increased human exposure to Salmonella and Bird Flu. Vote No.

FOR ADDITIONAL INFORMATION

FOR
Jennifer Fearing
Yes on Prop. 2 – Californians for Humane Farms
1700 L Street
Sacramento, CA 95814
(323) 896-1126
info@YesOnProp2.org
www.YesOnProp2.org

AGAINST
Californians for SAFE Food
P.O. Box 71541
Los Angeles, CA 90071
(213) 362-9539
www.safecaliforniafood.org

approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds.

2704.20. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

2704.21. Notwithstanding any provision of the State General Obligation Bond Law with regard to the proceeds from the sale of bonds authorized by this chapter that are subject to investment under Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code, the Treasurer may maintain a separate account for investment earnings, order the payment of those earnings to comply with any rebate requirement applicable under federal law, and may otherwise direct the use and investment of those proceeds so as to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

PROPOSITION 2

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure adds sections to the Health and Safety Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. SHORT TITLE

This act shall be known and may be cited as the Prevention of Farm Animal Cruelty Act.

SECTION 2. PURPOSE

The purpose of this act is to prohibit the cruel confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs.

SECTION 3. FARM ANIMAL CRUELTY PROVISIONS

Chapter 13.8 (commencing with Section 25990) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 13.8. FARM ANIMAL CRUELTY

25990. *PROHIBITIONS. In addition to other applicable provisions of law, a person shall not tether or confine any covered animal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:*

- (a) *Lying down, standing up, and fully extending his or her limbs; and*
- (b) *Turning around freely.*

25991. *DEFINITIONS. For the purposes of this chapter, the following terms have the following meanings:*

(a) *“Calf raised for veal” means any calf of the bovine species kept for the purpose of producing the food product described as veal.*

(b) *“Covered animal” means any pig during pregnancy, calf raised for veal, or egg-laying hen who is kept on a farm.*

(c) *“Egg-laying hen” means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of egg production.*

(d) *“Enclosure” means any cage, crate, or other structure (including what is commonly described as a “gestation crate” for pigs; a “veal crate” for calves; or a “battery cage” for egg-laying hens) used to confine a covered animal.*

(e) *“Farm” means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber; and does not include live animal markets.*

(f) *“Fully extending his or her limbs” means fully extending all limbs without touching the side of an enclosure, including, in the case of egg-laying hens, fully spreading both wings without touching the side of an enclosure or other egg-laying hens.*

(g) *“Person” means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.*

(h) *“Pig during pregnancy” means any pregnant pig of the porcine species kept for the primary purpose of breeding.*

(i) *“Turning around freely” means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.*

25992. *EXCEPTIONS. This chapter shall not apply:*

(a) *During scientific or agricultural research.*

(b) *During examination, testing, individual treatment or operation for veterinary purposes.*

(c) *During transportation.*

(d) *During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions.*

(e) *During the slaughter of a covered animal in accordance with the provisions of Chapter 6 (commencing with Section 19501) of Part 3 of Division 9 of the Food and Agricultural Code, relating to humane methods of slaughter, and other applicable law and regulations.*

(f) *To a pig during the seven-day period prior to the pig’s expected date of giving birth.*

25993. *ENFORCEMENT. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.*

25994. CONSTRUCTION OF CHAPTER.

The provisions of this chapter are in addition to, and not in lieu of, any other laws protecting animal welfare, including the California Penal Code. This chapter shall not be construed to limit any state law or regulations protecting the welfare of animals, nor shall anything in this chapter prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

SECTION 4. SEVERABILITY

If any provision of this act, or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this act that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are severable.

SECTION 5. EFFECTIVE DATES

The provisions of Sections 25990, 25991, 25992, 25993, and 25994 shall become operative on January 1, 2015.

PROPOSITION 3

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure adds sections to the Health and Safety Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Part 6.1 (commencing with Section 1179.50) is added to Division 1 of the Health and Safety Code, to read:

PART 6.1. CHILDREN’S HOSPITAL BOND ACT OF 2008

CHAPTER 1. GENERAL PROVISIONS

1179.50. (a) *This part shall be known and may be cited as the Children’s Hospital Bond Act of 2008.*

(b) *California’s network of regional children’s hospitals provide vital health care services to children facing life-threatening illness or injury. Over one million times each year, children are cared for at these hospitals without regard to their family’s ability to pay.*

(c) *Children’s hospitals also provide specialized treatment and care that has increased the survival of children suffering from serious diseases and illnesses such as childhood leukemia, cancer, heart defects, diabetes, sickle cell anemia, and cystic fibrosis.*

(d) *Children’s hospitals also provide essential training for pediatricians, pediatric specialists and others who treat children, and they conduct critically important medical research that benefits all of California’s children.*

(e) *However, the burden of providing uncompensated care and the increasing costs of health care seriously impair our children’s hospitals’ ability to modernize and expand their facilities and to purchase the latest medical technologies and special medical equipment necessary to take care of sick children.*

(f) *Therefore, the people desire to provide a steady and ready source of funds for capital improvement programs for children’s hospitals to improve the health, welfare, and safety of California’s children.*

1179.51. *As used in this part, the following terms have the following meanings:*